

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KYEEM KING,

Petitioner,

v.

STATE OF MARYLAND,

Respondent.

Civil Action No.: JKB-22-490

MEMORANDUM ORDER

Self-represented Petitioner Kyeem King filed a Petition for Writ of Habeas Corpus on March 1, 2022. ECF No. 1. King neither paid the \$5.00 filing fee nor filed a motion for leave to proceed *in forma pauperis* seeking its waiver. As the Petition must be dismissed, King will not be required to correct this deficiency.

King contends that his Sixth, Eighth, and Fourteenth Amendment rights have been violated because his trial has been delayed for over two years due to the COVID-19 pandemic. King states that he was incarcerated prior to the pandemic and has remained detained for 34 months, during which time he has been denied a trial. ECF No. 1 at 1-2. King seeks an order directing the state court to hold a hearing to address the alleged constitutional violations.¹ *Id.* at 2.

To the extent King seeks mandamus relief to force the State court to act on a pending matter before it, this Court has no jurisdiction to do so. Under 28 U.S.C. § 1361, the federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this

¹ The Court notes that King's filing contains the heading "In the Circuit Court of Prince George's County." ECF No. 1 at 1. As such, it is unclear whether King intended to file this Petition with this Court or the circuit court where his criminal case is pending.

Court has no mandamus jurisdiction over State employees, such as the Circuit Court of Prince George's County, where King's criminal action is pending. *Gurley v. Superior Court of Mecklenburg Cty.*, 411 F.2d 586, 587 (4th Cir. 1969). Additionally, a writ of mandamus is an extraordinary writ that is only available in cases where no other means by which the relief sought could be granted. *In re Beard*, 811 F.2d 818, 826 (4th Cir. 1987). As King seeks only mandamus relief, which is unavailable, the Petition shall be dismissed.

Accordingly, it is, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Petition IS DISMISSED;
2. The Clerk SHALL CLOSE this case; and
3. The Clerk SHALL SEND a copy of this Memorandum Order to King.

Dated this 22 day of March, 2022.

FOR THE COURT:



James K. Bredar
Chief Judge